

Message Text

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PAGE 01 STATE 217222

62

ORIGIN OES-06

INFO OCT-01 EA-07 IO-13 ISO-00 COME-00 FEA-01 ACDA-07

AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01

DLOS-06 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 /122 R

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COMM/NMFS:C.BLONDIN (SUB)

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P 020008Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY SEOUL PRIORITY

AMEMBASSY TAIPEI PRIORITY

USMISSION USUN NY PRIORITY

C O N F I D E N T I A L STATE 217222

USUN LOSDEL FOR CLINGAN

E.O. 11652: GDS

TAGS: EFIS, JA, PLOS

SUBJECT: US/JAPAN FISHERY NEGOTIATIONS

REF: STATE 208821

SUMMARY: NEGOTIATIONS CONCLUDED 30 AUGUST WITH LARGE GAP
SEPARATING LEGAL POSITIONS OF BOTH COUNTRIES ALL BUT
INTACT. OUTSTANDING DIFFERENCES WHICH COVER VIRTUALLY ALL
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PAGE 02 STATE 217222

SUBSTANTIVE ISSUES HAVE BEEN BRACKETED AND WILL

FORM BASIS FOR SECOND ROUND OF NEGOTIATIONS SCHEDULED FOR TOKYO WEEK OF NOVEMBER 8-12 FOLLOWING INPFC MEETING. DESPITE DIFFERENCES IN POSITIONS, NEGOTIATIONS HAVE BEEN CONDUCTED IN MOST FRIENDLY ATMOSPHERE. END SUMMARY

1. SECOND WEEK OF PLENARY DISCUSSIONS CONTINUED IN CLOSED WORKING GROUP SESSIONS DESCRIBED IN REFTEL ON BASTSOE-JAPANESE VERSION OF U.S. GOVERNING INTERNA-

TIONAL FISHERY AGREEMENT (GIFA) PRESENTED AT THIRD SESSION. U.S. PRESENTED REDRAFT OF JAPANESE DOCUMENT, REINCORPORATING CRITICAL ELEMENTS OF U.S. DRAFT GIFA SUCH AS EXPLICIT RECOGNITION OF U.S. AUTHORITY WITHIN THE FISHERY CONSERVATION ZONE, U.S. ENFORCEMENT IN ZONE, AND DIRECT REFERENCE TO PAYMENT

OF FEES. U.S. OFFERED IN RETURN PARTIAL OR COMPLETE ACCEPTANCE OF SOME JAPANESE PROPOSALS AS WELL AS FURTHER REVISIONS DIRECTED TO JAPANESE CONCERNS. WHILE NUMEROUS, THESE REPRESENTED NECESSARILY LESS SUBSTANTIVE MODIFICATIONS DESIGNED TO PRESERVE EFFECT BUT ALTER APPEARANCE OF PROVISIONS OF U.S. GIFA CREATING SPECIAL PROBLEMS FOR JAPANESE. SUCH U.S. PROPOSED MODIFICATIONS INCLUDED PREAMBULATORY REFERENCE TO JAPANESE COOPERATION IN FISHERY MANAGEMENT AND CONSERVATION; EFFORT TO ENFUSE ELEMENT OF MUTUALITY IN ARTICLE I; ELIMINATION OF SPECIFIC ENUMERATION OF POSSIBLE MANAGEMENT MEASURES IN U.S. GIFA ARTICLE III (3); MODIFICATION OR ELIMINATION OF SOME EXPLICIT REFERENCES TO U.S. JURISDICTION AND LAW AND DESCRIPTION OF PERMITS AND FEES AS ADMINISTRATIVE MEASURES AND COSTS, RECOGNITION OF JAPANESE TRADITIONAL FISHING IN U.S. ZONE, ADOPTION OF RECIPROCAL LANGUAGE DEALING WITH COMPENSATION FOR DAMAGED VESSELS AND GEAR; MAKING CONSULTATION BY BOTH NATIONS A MORE VISIBLE AND INTEGRAL PART OF GIFA; AND ELIMINATION OF PARA. REFERENCING CORPORAL PUNISHMENT (U.S. GIFA ARTICLE X(3)).

2. RESPONSE BY JAPANESE DEL REVEALED CONTINUED PROBLEM ON CORE ISSUES OF EXPLICIT ACKNOWLEDGMENT OF U.S. MANAGEMENT AUTHORITY WITHIN THE FISHERY CONSERVATION CONFIDENTIAL

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PAGE 03 STATE 217222

ZONE, U.S. ENFORCEMENT AUTHORITY IN ZONE AND THE ISSUANCE OF PERMITS AND PAYMENT OF FEES. RELATED ISSUES SUCH AS REQUIREMENT FOR POSITION FIXING AND IDENTIFICATION EQUIPMENT ON JAPANESE VESSELS, ACCEPTANCE OF COSTS FOR U.S. OBSERVERS, AND APPOINTMENT OF JAPANESE AGENTS FOR VESSELS OPERATING IN ZONE ALSO BRACKETED. AGREEMENT OR NEAR AGREEMENT WAS CONFINED TO SUCH ITEMS AS THE LANGUAGE

OF AN INTRODUCTORY ARTICLE, MOST DEFINITIONS WITH THE EXCEPTION OF HIGHLY MIGRATORY SPECIES DUE TO DESIRED JAPANESE INCLUSION OF BILLFISH AND OCEANIC SHARKS, SOMEWHAT MODIFIED VERSIONS OF U.S. GIFA ARTICLES IV-V RELATING TO U.S. ALLOCATION OF AVAILABLE SURPLUS AND GENERAL OBLIGATIONS OF JAPANESE VESSELS FISHING WITHIN U.S. ZONE, A CONDITIONAL BUT FULLY RECIPROCAL ARTICLE DEALING WITH COMPENSATION IN CASES OF GEAR CONFLICT, AND ELIMINATION OF U.S. GIFA ARTICLE XIII DUE TO EXISTING PORT ACCESS BY JAPANESE VESSELS UNDER U.S. LAW.

3. SCIENTIFIC WORKING GROUP PROCEEDED ON AGREED BASIS DESCRIBED IN REFTEL WITH U.S. SCIENTISTS RECEIVING VIEWS OF JAPANESE SCIENTISTS ON STOCK CON-

DITIONS, SEEKING OCCASIONAL CLARIFICATION OF JAPANESE DATA,

AND COMMENTING AS APPROPRIATE WHERE DIFFERENCES EXISTED WITH U.S. ASSESSMENTS. MAJOR DIFFERENCES APPEARED IN ASSESSMENT OF PACIFIC OCEAN PERCH (BERING SEA), BERING SEA POLLOCK, (1,100,000-JAPAN, 850,00-1,000,000-U.S.) AND ROCKFISHES (NORTHEAST PACIFIC). RELATIVELY LESS SERIOUS DIFFERENCES WERE PRESENT IN ASSESSMENT OF NORTHEAST PACIFIC POLLOCK AND BLACKCOD. U.S. ASSESSMENTS OF PACIFIC COD (BERING SEA), YELLOWFIN SOLE (BERING SEA) AND QUOTE OTHER UNQUOTE ROCKFISHES (NORTHEAST PACIFIC)

WERE LARGER THAN JAPANESE. MEETING ALSO PRODUCED DRAFT SCIENTIFIC ANNEX. DATA REQUIREMENTS FOR PACIFIC PROVOKED LITTLE CONTROVERSY WHEN PRESENTED IN PLENARY. DISCUSSION OF ATLANTIC REQUIREMENTS, WHICH DUPLICATE THOSE INCORPORATED IN POLISH GIFA, WAS POSTPONED AS CONFIDENTIAL

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PAGE 04 STATE 217222

ATLANTIC SCIENTIFIC EXPERTS WERE ABSENT FROM U.S. AS WELL AS JAPANESE SIDE. JAPANESE POSITION ON ENTIRE ANNEX AS WELL AS ACCOMPANYING GIFA ARTICLE ON SCIENTIFIC COOPERATION RESERVED PENDING OUTCOME OF SECOND ROUND OF DISCUSSIONS.

4. OPERATIONAL WORKING GROUP ALSO CONCLUDED, WHICH CONSISTED OF REASONABLY DETAILED EXPOSITION OF ORGANIZATION AND CONDUCT OF JAPANESE FISHING OPERATIONS IN PACIFIC AND BERING SEA. PAPER WILL BE PRODUCED SUMMARIZING RESULTS. MEETINGS WERE OF SOME USEFULNESS FOR MEMBERS OF U.S. DEL. NOT FAMILIAR WITH JAPANESE OPERATIONS BUT MAINLY SATISFIED APPARENT NEED ON JAPANESE SIDE TO SECURE APPROPRIATE U.S. AUDIENCE IN THE HOPE THAT THE CHARACTERISTICS AND COMPLEXITY

OF JAPANESE OPERATIONS WOULD BE REFLECTED IN MANAGEMENT REGULATIONS ULTIMATELY ADOPTED BY REGIONAL COUNCILS.

5. IN CONCLUDING OPEN PLENARY SESSION, DEPUTY DIRECTOR GENERAL ASAO, WHILE NOTING QUOTE VASTLY UNQUOTE DIFFERENT POSITIONS OF BOTH NATIONS, HIGHLIGHTED FOLLOWING AS INDICATIVE OF PROGRESS IN TWO WEEKS OF TALKS: (1) FURTHER UNDERSTANDING OF NECESSARY JOINT CONSULTATIONS ON IMPLEMENTATION OF GIFA; (2) AGREEMENT ON SCIENTIFIC RESEARCH, COOPERATION, AND DEFINITIONS IN GIFA; (3) CLEARER UNDERSTANDING OF U.S. VIEWS ON PROPOSED TREATMENT, STATUS, PURPOSE OF OBSERVERS AND AGENTS; (4) ASSURANCE THAT JAPANESE ALLOCATIONS WOULD BE FAIRLY CONSIDERED AND THAT IN SUCH ALLOCATIONS CONSIDERATION WOULD BE GIVEN TO TRADITIONAL JAPANESE FISHING; AND (5) ACCOMPLISHMENTS OF SCIENTIFIC AND TECHNICAL WORKING GROUPS.

6. U.S. DEL TOOK OPPORTUNITY TO NOTE ASSESSMENTS OF MSY LEVELS FOR MAJOR BERING SEA AND NORTHEASTERN PACIFIC STOCKS THAT ON THE BASIS OF PRESENT CIRCUMSTANCES, WERE MOST LIKELY FIGURES TO RECEIVE ENDORSEMENT OF REGIONAL COUNCILS. EXTREME CARE WAS TAKEN TO COUCH PRESENTATION IN HIGHLY QUALIFIED TERMS REPEATEDLY NOTING THAT FIGURES COULD NOT BE AUTHORITATIVE AS SOLE RESPONSIBILITY FOR ESTABLISHING SUCH NUMBERS LIES WITH REGIONAL COUNCILS, CONFIDENTIAL

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PAGE 05 STATE 217222

BUT THAT U.S. NEVERTHELESS FELT RESPONSIBILITY TO SHED AS MUCH LIGHT AS POSSIBLE ON THIS CRITICAL QUESTION. ON SENSITIVE ISSUE OF TANNER CRAB ASSESSMENT, US DEL PROVIDED NO FIGURES, BUT NOTED COMMON VIEW THAT RESOURCE WAS LARGE AND U.S. VIEW OF ITS EXPANDING CAPACITY, ADDING THAT REGIONAL COUNCILS HAD DIFFICULT TASK BEFORE THEM IN DEVELOPING APPROPRIATE MANAGEMENT REGIME. JAPANESE DELEGATION WAS ALSO INFORMED OF VIRTUAL CERTAINTY THAT CURRENT SEASONAL/AREA CLOSURES WOULD BE EXPANDED, AND THAT BOTTOM TRAWLING PROHIBITIONS WOULD BE REQUIRED IN QUOTE MANY LOCATIONS UNQUOTE. US DEL ALSO FRANKLY NOTED THAT VESSEL LIMITATION SCHEME WAS BEING SERIOUSLY DISCUSSED. IN RESPONSE MARINE FISHERIES DIRECTOR MATSUURA MADE STRONG STATEMENT THAT ADEQUATE CONSULTATION SHOULD PROCEED SUCH DECISIONS. US DEL RESPONDED BY AGAIN STRESSING INDEPENDENT STATUS OF REGIONAL COUNCILS AND EXISTENCE OF MANAGEMENT ISSUES WHERE AGREEMENT BETWEEN BOTH SIDES MIGHT SIMPLY NOT BE POSSIBLE.

7. TALKS CONCLUDED IN POSITIVE ATMOSPHERE OF FRIENDLINESS AND COOPERATION, COUPLING ACKNOWLEDGEMENT OF GREAT DIFFERENCES WITH HOPE FOR THEIR RESOLUTION AT SECOND

MEETING SCHEDULED FOR NOVEMBER 8-12. US DEL NOTED
U.S. OBJECTIVE TO PLACE EVERYTHING ON TABLE AT THAT TIME
NECESSARY TO CONCLUDE AGREEMENT, INCLUDING U.S. POSITION
ON PACIFIC SALMON MANAGEMENT. ROBINSON

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PAGE 01 STATE 217222

22

ORIGIN EA-04

INFO OCT-01 ISO-00 /005 R

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DRAFTED BY: EA/J:SECTION

APPROVED BY: EA/J:WCSHERMAN

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P 230830Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

C O N F I D E N T I A L STATE 217222

FOLLOWING SENT ACTION SEOUL TAIPEI USUN NEW YORK DTD
020008Z SEP 76

QUOTE CONFIDENTIAL STATE 217222

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EO 11652: GDS

TAGS: EFIS JA PLOS

SUBJECT: US/JAPAN FISHERY NEGOTIATIONS

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PAGE 02 STATE 217222

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ENFORCEMENT IN ZONE, AND DIRECT REFERENCE TO PAYMENT

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PAGE 03 STATE 217222

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PAGE 04 STATE 217222

SUMMARIZING RESULTS. MEETINGS WERE OF SOME USEFULNESS FOR MEMBERS OF U.S. DEL. NOT FAMILIAR WITH JAPANESE OPERATIONS BUT MAINLY SATISFIED APPARENT NEED ON JAPANESE SIDE TO SECURE APPROPRIATE U.S. AUDIENCE

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PAGE 05 STATE 217222

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Draft Date: 02 SEP 1976
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Margaret P. Grafeld
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04 MAY 2006

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